

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

2. For years the petitioner operated a storefront clock repair business until he abandoned it for medical reasons. Since that time he has been trying to start up a computer business from his home. Following a hospitalization the petitioner was staying in a nursing home. On October 28, 2005 he left the nursing home because he felt he was unable to run his business from there.

3. At first, the petitioner stayed in a hotel at his own expense. He then applied to the Department for help in finding more suitable housing. The Department granted the petitioner two weeks of GA benefits to remain in the hotel while he looked for more permanent housing. After those two weeks it appears that the petitioner was able to keep the hotel room through his own income and resources. However, he can no longer afford to stay there on his own.

4. The Department has denied the petitioner GA to extend his stay at the hotel. At the hearing in this matter, held on March 1, 2006, the Department represented that it had originally granted the petitioner GA for two weeks as an *exception* based on the petitioner's then-recent medical problems and alleged self-employment needs. However, the Department maintains that the local homeless shelter can now provide suitable alternative housing for the petitioner and help him obtain permanent housing and viable employment.

5. The petitioner argues that the homeless shelter is unsuitable for him because he cannot operate his business from there and because his physical condition makes it difficult for him to physically move during the day to a day shelter.

6. The petitioner has presented no medical evidence that staying in a homeless shelter would jeopardize his physical condition, even if he had to move to another location during the day. The Department maintains that the GA regulations do not allow for or contemplate the operation of a home business in determining the suitability of alternative temporary housing.

7. It was unclear whether the petitioner was ever specifically referred to Vocational Rehabilitation, although he did not resist this suggestion at the hearing.

8. At present, the petitioner's only income is Food Stamps and a GA personal needs allowance. There is no indication that the petitioner's computer business is likely to generate significant income for the petitioner in the immediate future.

ORDER

The Department's decision is affirmed.

REASONS

W.A.M. § 2613.2 includes the following provision:

Temporary housing is intended to provide short term shelter for applicants who are involuntarily without housing through circumstances in which the applicant could not reasonably have avoided the situation and for

whom permanent housing or alternative arrangements are not immediately available. . .

In several past fair hearings the Board has affirmed the Department's policy or "protocol" that, especially for single individuals, homeless shelters, which in Vermont usually offer supervision and counseling or referral services to their residents, and which usually include access to free meals, constitute a suitable, if not preferable, "alternative arrangement" for a homeless person within the meaning of the above regulation and as a matter of sound social policy. See Fair Hearing Nos. 17,823, 15,383, 13,380, 13,315, and 13,048. The Board has specifically held that to require the Department to fund stays in a motel room an applicant must demonstrate that an available homeless shelter is unsuitable either for medical or compelling personal reasons (see e.g., Fair Hearing Nos. 20,056, 17,823 and 13,380).

In this case it cannot be found that the homeless shelter is not a suitable "alternative arrangement" that is available to meet the petitioner's immediate need for temporary housing. As noted above, there is no evidence that the shelter is contraindicated based on the petitioner's

medical condition.<sup>1</sup> There is also no indication that the petitioner's chosen self-employment is likely to provide him with a self-sustaining income in the foreseeable future. Nor is there any evidence that staying in the shelter will jeopardize the petitioner's ability to become economically independent.

Nothing in the GA regulations requires the Department to consider vocational factors that are strictly of the applicant's choosing. This is not to say that the petitioner's ongoing attempt to start a computer business is misguided. It is only to recognize that the petitioner's most immediate need is housing, and that speculative vocational considerations need not dictate the Department's determination as to how the petitioner's present housing crisis should be addressed.

As noted above, there is no evidence that staying in a homeless shelter will either jeopardize the petitioner's health or significantly damage his economic prospects. Therefore, it cannot be concluded that the Department's denial of the petitioner's application for GA for continuing

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<sup>1</sup> At the hearing the petitioner was advised that he can reapply for GA for a hotel room if and when he can obtain medical documentation that staying in a shelter could jeopardize his health.

to stay in a hotel room as opposed to a homeless shelter is inconsistent with the above regulations. Thus, the Department's decision must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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